

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 JOSEPH F. MCKENNA III
Deputy Attorney General
4 State Bar No. 231195
California Department of Justice
5 600 West Broadway, Suite 1800
San Diego, California 92101
6 P.O. Box 85266
San Diego, California 92186-5266
7 Telephone: (619) 738-9417
Facsimile: (619) 645-2061
8 *Attorneys for Complainant*

9
10 **BEFORE THE**
11 **OFFICE OF ADMINISTRATIVE HEARINGS**
12 **STATE OF CALIFORNIA**

13 **REJI VARGHESE,**
Interim Executive Director,
14 Medical Board of California,
Department of Consumer Affairs,
15 State of California,

Petitioner,

16 v.

17 **MARY ANNE VREEKE, M.D.**
504 Willow Glen Court
18 Camarillo, California 93012

19 Physician's and Surgeon's Certificate
20 No. A 78457,

21 Respondent.

Case No. 800-2021-081903

OAH No. _____

**STIPULATION OF THE PARTIES RE
INTERIM ORDER IMPOSING LICENSE
RESTRICTIONS AND ORDER**

22
23 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
24 entitled proceedings that the following matters are true:

25 **PARTIES**

26 1. Reji Varghese (Petitioner) is the Interim Executive Director of the Medical Board of
27 California (Board) and is represented in the above-entitled matter by Rob Bonta, Attorney
28 General of the State of California, and by Joseph F. McKenna III, Deputy Attorney General.

2. Respondent Mary Anne Vreeke, M.D. (Respondent) is represented in this proceeding by attorney Kevin D. Cauley, Esq., whose address is: 225 South Lake Avenue, Suite 300, Pasadena, California, 91101.

JURISDICTION

3. On March 27, 2002, the Board issued Physician's and Surgeon's Certificate No. A 78457 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the conduct alleged herein, and will expire on February 29, 2024, unless renewed.

4. Pursuant to the provisions of California Government Code section 11529, an administrative law judge of the Medical Quality Hearing Panel established pursuant to section 11371 may issue an interim order suspending a license, or imposing drug testing, continuing education, supervision of procedures, or other license restrictions. Interim orders may be issued only if the affidavits in support of the petition show that the licensee has engaged in, or is about to engage in, acts or omissions constituting a violation of the Medical Practice Act or the appropriate practice act governing each allied health profession, or is unable to practice safely due to a mental or physical condition, and that permitting the licensee to continue to engage in the profession for which the license was issued will endanger the public health, safety, or welfare. Interim orders may also be issued without notice if it appears from the facts shown by affidavit that serious injury would result to the public before the matter can be heard on notice.

FACTUAL BASIS FOR INTERIM ORDER IMPOSING LICENSE RESTRICTIONS

5. Respondent admits that she was employed in 2021 as an anesthesiologist by Somnia, a medical group that contracts with St. John's Regional Medical Center (SJPMC) in Oxnard, California. Respondent further admits that, between January and March of 2021, while employed as an anesthesiologist with Somnia, she stole controlled substances at SJPMC for her own self-use, including, fentanyl, Versed, and propofol.

6. In March 2021, Respondent took a voluntary leave of absence from practicing medicine and engaged in an inpatient rehabilitation program for impaired health care

professionals, followed by a period of intensive outpatient treatment. She has also been subject to random biological fluid testing since March 2021, which conditions she has complied with.

7. As a result of her conduct as described in paragraph 5, above, Respondent admits she has committed a violation(s) of a provision or provisions of the Medical Practice Act, and that she is presently unable to practice medicine safely without practice restrictions.

8. The parties stipulate that the admissions made by Respondent as to the alleged conduct as described in paragraph 5, above, are solely for the purpose of this stipulated Interim Order Imposing License Restrictions only, and shall not be used in any other proceeding before the Medical Board of California, and shall not be admissible in any other criminal, civil, and/or administrative proceeding.

9. In exchange for Respondent's admissions, above, Petitioner agrees to file this stipulation, in lieu of filing a petition for interim order of suspension and supporting affidavits, with the Office of Administrative Hearings in San Diego.

**TERMS AND CONDITIONS OF INTERIM ORDER IMPOSING
LICENSE RESTRICTIONS**

10. Respondent stipulates and agrees to the issuance of an interim order imposing license restrictions under Government Code section 11529 immediately restricting her Physician's and Surgeon's Certificate No. A 78457, as detailed in paragraph 11, below, pending further order from the Office of Administrative Hearings.

11. Based on the foregoing stipulations, the parties hereby stipulate and agree that an interim order imposing the following license restrictions on Respondent's Physician's and Surgeon's Certificate should be issued forthwith by the Office of Administrative Hearings in order to protect the public health, safety and welfare. The parties further stipulate and agree that, once this interim order imposing license restrictions is issued by the Office of Administrative Hearings, Respondent shall be required to fully comply with the following terms and conditions until issuance of a final decision by the Medical Board on an Accusation to be filed against her, or until further order from the Office of Administrative Hearings:

////

1 A. CONTROLLED SUBSTANCES - ABSTAIN FROM USE.

2 Respondent shall abstain completely from the personal use or possession of
3 controlled substances as defined in the California Uniform Controlled Substances Act,
4 dangerous drugs as defined by Business and Professions Code section 4022, and any
5 drugs requiring a prescription; however, Respondent may order, prescribe, dispense,
6 administer, furnish, or possess any controlled substances as defined by the California
7 Uniform Controlled Substances Act when each of the following three (3) conditions
8 are met:

- 9 (1) Respondent must be working in a hospital or surgery center setting;
10 (2) Respondent must be working in her capacity as an anesthesiologist; and
11 (3) Respondent must be engaged in the peri-operative care of patients.

12 This prohibition does not apply to medications lawfully prescribed to Respondent
13 by another practitioner for a bona fide illness or condition.

14 Within fifteen (15) calendar days of receiving any lawfully prescribed
15 medications, Respondent shall notify the Board or its designee of the: issuing
16 practitioner's name, address, and telephone number; medication name, strength, and
17 quantity; and issuing pharmacy name, address, and telephone number.

18 If Respondent has a confirmed positive biological fluid test for any substance
19 (whether or not legally prescribed) and has not reported the use to the Board or its
20 designee, Respondent shall receive a notification from the Board or its designee to
21 immediately cease the practice of medicine.

22 After the issuance of a cease-practice order, the Board shall determine whether
23 the positive biological fluid test is in fact evidence of prohibited substance use by
24 consulting with the specimen collector and the laboratory, communicating with the
25 licensee, her treating physician(s), other health care provider, or group facilitator, as
26 applicable. A biological fluid test will not be considered negative if a positive result
27 is obtained while practicing, even if the practitioner holds a valid prescription for the
28 substance.

1 If no prohibited substance use exists, the Board shall lift the cease-practice
2 order within one (1) business day.

3 For purposes of this condition, the term "prohibited substance" means an illegal
4 drug, a lawful drug not prescribed or ordered by an appropriately licensed health care
5 provider for use by Respondent and approved by the Board, or any other substance
6 the Respondent has been instructed by the Board not to use, consume, ingest, or
7 administer to herself.

8 B. ALCOHOL - ABSTAIN FROM USE.

9 Respondent shall abstain completely from the use of products or beverages
10 containing alcohol.

11 If Respondent has a confirmed positive biological fluid test for alcohol,
12 Respondent shall receive a notification from the Board or its designee to immediately
13 cease the practice of medicine. The Respondent shall not resume the practice of
14 medicine until the final decision on an accusation is effective.

15 C. BIOLOGICAL FLUID TESTING.

16 Within seven (7) days of the date of issuance by the Office of Administrative
17 Hearings of this Interim Order Imposing License Restrictions, Respondent shall
18 contract with a laboratory or service, approved in advance by the Board or its designee,
19 that will conduct random, unannounced, observed, biological fluid testing and meets
20 all of the standards approved in advance by the Board or its designee. "Biological fluid
21 testing" may include, but is not limited to, urine, blood, breathalyzer, hair follicle
22 testing, or similar drug screening approved by the Board or its designee.

23 The cost of biological fluid testing shall be borne by the Respondent.

24 A certified copy of any laboratory test result may be received in evidence in any
25 proceedings between the Board and Respondent.

26 If a biological fluid test result indicates Respondent has used, consumed,
27 ingested, or administered to herself a prohibited substance, the Board shall order
28 Respondent to cease practice and instruct Respondent to leave any place of work

1 where Respondent is practicing medicine or providing medical services. The Board
2 shall immediately notify all of Respondent's employers, supervisors and work
3 monitors, if any, that Respondent may not practice medicine or provide medical
4 services while the cease-practice order is in effect.

5 After the issuance of a cease-practice order, the Board shall determine whether
6 the positive biological fluid test is in fact evidence of prohibited substance use by
7 consulting with the specimen collector and the laboratory, communicating with the
8 licensee, her treating physician(s), other health care provider, or group facilitator, as
9 applicable. A biological fluid test will not be considered negative if a positive result
10 is obtained while practicing, even if the practitioner holds a valid prescription for the
11 substance.

12 If no prohibited substance use exists, the Board shall lift the cease-practice
13 order within one (1) business day.

14 For purposes of this condition, the term "prohibited substance" means an illegal
15 drug, a lawful drug not prescribed or ordered by an appropriately licensed health care
16 provider for use by Respondent and approved by the Board, or any other substance
17 the Respondent has been instructed by the Board not to use, consume, ingest, or
18 administer to herself.

19 D. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS.

20 Within seven (7) days of the date of issuance by the Office of Administrative
21 Hearings of this Interim Order Imposing License Restrictions, Respondent shall
22 submit to the Board or its designee, for its prior approval, the name of a substance
23 abuse support group which she shall attend until issuance of a final decision by the
24 Board on an Accusation to be filed against Respondent, or until further order from the
25 Office of Administrative Hearings. Respondent shall attend substance abuse support
26 group meetings at least once per week. Respondent shall pay all substance abuse
27 support group meeting costs.

28 ////

1 The facilitator of the substance abuse support group meeting shall have a
2 minimum of three (3) years' experience in the treatment and rehabilitation of substance
3 abuse, and shall be licensed or certified by the state or nationally certified organizations.
4 The facilitator shall not have a current or former financial, personal, or business
5 relationship with Respondent within the last five (5) years. Respondent's previous
6 participation in a substance abuse group support meeting led by the same facilitator does
7 not constitute a prohibited current or former financial, personal, or business relationship.

8 The facilitator shall submit monthly signed reports to the Board or its designee
9 showing Respondent's name, the group name, the date and location of the meeting,
10 Respondent's attendance every week, and Respondent's level of participation and
11 progress in the meetings.

12 E. PSYCHOTHERAPY.

13 Within seven (7) days of the date of issuance by the Office of Administrative
14 Hearings of this Interim Order Imposing License Restrictions, Respondent shall
15 submit to the Board or its designee for prior approval the name and qualifications of a
16 California-licensed board certified psychiatrist or a licensed psychologist who has a
17 doctoral degree in psychology and at least five (5) years of postgraduate experience in
18 the diagnosis and treatment of emotional and mental disorders. Upon approval,
19 Respondent shall undergo and continue psychotherapy treatment until issuance of a
20 final decision by the Board on an Accusation to be filed against Respondent, or until
21 further order from the Office of Administrative Hearings.

22 Respondent shall pay the cost of all psychotherapy treatment.

23 Respondent shall cooperate in providing the psychotherapist with any
24 information and documents that the psychotherapist may deem pertinent.

25 Respondent shall have the treating psychotherapist submit quarterly status
26 reports to the Board or its designee.

27 ////

28 ////

1 F. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE.

2 Within seven (7) days of the date of issuance by the Office of Administrative
3 Hearings of this Interim Order Imposing License Restrictions, Respondent shall
4 submit to the Board or its designee for prior approval as a worksite monitor, the name
5 and qualifications of one or more licensed physician and surgeons, other licensed
6 health care professional(s) if no physician and surgeon is available, or, as approved
7 by the Board or its designee, a person in a position of authority who is capable of
8 monitoring the Respondent at work.

9 The worksite monitor shall not have a current or former financial, personal, or
10 familial relationship with Respondent, or any other relationship that could reasonably
11 be expected to compromise the ability of the monitor to render impartial and unbiased
12 reports to the Board or its designee. If it is impractical for anyone but Respondent's
13 employer to serve as the worksite monitor, this requirement may be waived by the
14 Board or its designee, however, under no circumstances shall Respondent's worksite
15 monitor be an employee or supervisee of the Respondent.

16 The worksite monitor shall have an active unrestricted license with no
17 disciplinary action within the last five (5) years, and shall sign an affirmation that he
18 or she has reviewed the terms and conditions of Respondent's disciplinary order and
19 agrees to monitor Respondent as set forth by the Board or its designee.

20 Respondent shall pay all worksite monitoring costs.

21 The worksite monitor shall have face-to-face contact with Respondent in the
22 work environment on as frequent a basis as determined by the Board or its designee,
23 but not less than once per week; interview other staff in the office regarding
24 Respondent's behavior, if requested by the Board or its designee; and review
25 Respondent's work attendance.

26 The worksite monitor shall verbally report any suspected substance abuse to the
27 Board and Respondent's employer or supervisor within one (1) business day of
28 occurrence. If the suspected substance abuse does not occur during the Board's

1 normal business hours, the verbal report shall be made to the Board or its designee
2 within one (1) hour of the next business day. A written report that includes the date,
3 time, and location of the suspected abuse; Respondent's actions; and any other
4 information deemed important by the worksite monitor shall be submitted to the
5 Board or its designee within forty-eight (48) hours of the occurrence.

6 The worksite monitor shall complete and submit a written report monthly or as
7 directed by the Board or its designee which shall include the following: (1) Respondent's
8 name and Physician's and Surgeon's Certificate number; (2) the worksite monitor's
9 name and signature; (3) the worksite monitor's license number, if applicable; (4) the
10 location or location(s) of the worksite; (5) the dates Respondent had face-to-face contact
11 with the worksite monitor; (6) the names of worksite staff interviewed, if applicable;
12 (7) a report of Respondent's work attendance; (8) any change in Respondent's behavior
13 and/or personal habits; and (9) any indicators that can lead to suspected substance abuse
14 by Respondent. Respondent shall complete any required consent forms and execute
15 agreements with the approved worksite monitor and the Board, or its designee,
16 authorizing the Board, or its designee, and worksite monitor to exchange information.

17 If the worksite monitor resigns or is no longer available, Respondent shall, within
18 five (5) calendar days of such resignation or unavailability, submit to the Board or its
19 designee, for prior approval, the name and qualifications of a replacement monitor who
20 will be assuming that responsibility within fifteen (15) calendar days. If Respondent
21 fails to obtain approval of a replacement monitor within sixty (60) calendar days of the
22 resignation or unavailability of the monitor, Respondent shall receive a notification
23 from the Board or its designee to cease the practice of medicine within three (3)
24 calendar days after being so notified. Respondent shall cease the practice of medicine
25 until a replacement monitor is approved and assumes monitoring responsibility.

26 G. NOTIFICATION.

27 Within seven (7) days of the date of issuance by the Office of Administrative
28 Hearings of this Interim Order Imposing License Restrictions, the Respondent shall

1 provide a true copy of the Interim Order Imposing License Restrictions to the Chief
2 of Staff or the Chief Executive Officer at every hospital where privileges or
3 membership are extended to Respondent, at any other facility (e.g., urgent care
4 facility) where Respondent engages in the practice of medicine, including all
5 physician and locum tenens registries or other similar agencies, and to the Chief
6 Executive Officer at every insurance carrier which extends malpractice insurance
7 coverage to Respondent. Respondent shall submit proof of compliance to the Board
8 or its designee within fifteen (15) calendar days.

9 This condition shall apply to any change(s) in hospitals, other facilities or
10 insurance carrier.

11 H. VIOLATION(S) OF INTERIM ORDER IMPOSING LICENSE
12 RESTRICTIONS.

13 Any violation of this Interim Order Imposing License Restrictions by
14 Respondent shall constitute unprofessional conduct and independent grounds for
15 disciplinary action.

16 12. Any motion to vacate the interim order issued in this matter shall be filed in
17 accordance with the provisions of Title 1, California Code of Regulations, sections 1006 and
18 1022. However, no such motion may be heard on an *ex parte* basis and any motion to vacate the
19 Interim Order Imposing License Restrictions issued in this matter shall be served on Petitioner's
20 counsel and filed with the Office of Administrative Hearings no less than 30 business days prior
21 to any hearing on the motion. Once served and filed, no such motion shall be decided without
22 first affording the parties the opportunity to present oral argument.

23 WAIVERS

24 13. Respondent is fully aware of all of her rights under section 11529, subdivision (b),
25 of the Government Code, to a noticed hearing on the issue of whether an interim order should be
26 issued in the above-entitled matter, and all other rights accorded her under section 11529,
27 subdivision (d), of the Government Code, at which she is entitled, at a minimum, to all the
28 following rights:

1 (a) To be represented by counsel;

2 (b) To have a record made of the proceedings, copies of which may be
3 obtained by the Respondent upon payment of any reasonable charges associated
4 with the record;

5 (c) To present written evidence in the form of relevant declarations,
6 affidavits, and documents. The discretion of the administrative law judge to
7 permit testimony at the hearing conducted pursuant to this section shall be
8 identical to the discretion of a superior court judge to permit testimony at a hearing
9 conducted pursuant to Section 527 of the Code of Civil Procedure; and

10 (d) To present oral argument.

11 14. Having the benefit of counsel, Respondent hereby knowingly, intelligently, freely
12 and voluntarily waives and gives up each and every one of the rights set forth and/or referenced in
13 paragraph 13, above.

14 15. Respondent is fully aware of all of her rights under section 11529, subdivisions (f)
15 and (g), of the Government Code, which state as follows:

16 “(f) In all cases in which an interim order is issued, and an accusation or
17 petition to revoke probation is not filed and served pursuant to Sections 11503 and
18 11505 within 30 days of the date on which the parties to the hearing on the interim
19 order have submitted the matter, the order shall be dissolved.

20 Upon service of the accusation or petition to revoke probation the licensee
21 shall have, in addition to the rights granted by this section, all of the rights and
22 privileges available as specified in this chapter. If the licensee requests a hearing
23 on the accusation, the board shall provide the licensee with a hearing within 30
24 days of the request, unless the licensee stipulates to a later hearing, and a decision
25 within 15 days of the date the decision is received from the administrative law
26 judge, or the board shall nullify the interim order previously issued, unless good
27 cause can be shown by the Division of Medical Quality for a delay.

28 ////

1 “(g) If an interim order is issued, a written decision shall be prepared
2 within 15 days of the hearing, by the administrative law judge, including findings
3 of fact and a conclusion articulating the connection between the evidence produced
4 at the hearing and the decision reached.”

5 16. Having the benefit of counsel, Respondent hereby knowingly, intelligently, freely
6 and voluntarily waives and gives up each and every one of the rights set forth and/or referenced in
7 paragraph 15, above, including her rights to the expedited filing of an accusation, an expedited
8 hearing on the accusation, and an expedited issuance of a decision.

9 **ADDITIONAL PROVISIONS**

10 17. The parties hereby stipulate that all proceedings in the above-entitled Interim
11 Order Imposing License Restrictions and matter shall be conducted at the Office of
12 Administrative Hearings located in San Diego, California.

13 18. The parties further stipulate that copies of this “Stipulation of the Parties Re
14 Interim Order Imposing License Restrictions and Order,” including copies of signatures
15 appearing thereon, may be used in lieu of original documents and signatures and, further, that
16 such copies and signatures shall have the same force and effect as originals.

17 **ACCEPTANCE**


18 I have carefully read the above “Stipulation of the Parties Re Interim Order Imposing
19 License Restrictions and Order,” and have fully discussed it with my attorney, Kevin D. Cauley,
20 Esq. I fully understand the stipulation and the effect it will have on my Physician’s and
21 Surgeon’s Certificate No. A 78457. I enter into this stipulation voluntarily, knowingly, and
22 intelligently, and agree to be bound by the terms and conditions of the interim order imposing
23 license restrictions issued by the Administrative Law Judge from the Office of Administrative
24 Hearings.

25
26 DATED: 3-10-2023

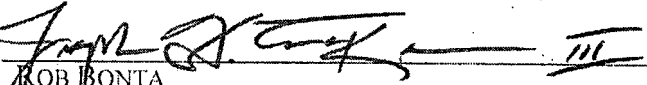
27 
28 MARY ANNE VREEKE, M.D.
 Respondent

1 I have read and fully discussed with Respondent Mary Anne Vreeke, M.D., the terms and
2 conditions and other matters contained in the above "Stipulation of the Parties Re Interim Order
3 Imposing License Restrictions and Order." I approve its form and content.

4
5 DATED: March 10, 2023


KEVIN D. CAULEY, ESQ.
Attorney for Respondent

6
7
8 DATED: March 13, 2023

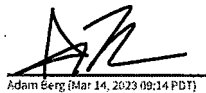

ROB BONTA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
JOSEPH F. MCKENNA III
Deputy Attorney General
Attorneys for Petitioner

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27 SD2023301127
28 83834546.docx

INTERIM ORDER IMPOSING LICENSE RESTRICTIONS

Based on the foregoing stipulations and agreements, an Interim Order Imposing License Restrictions is hereby issued immediately imposing license restrictions on Physician's and Surgeon's Certificate No. A 78457, heretofore issued by the Medical Board of California to Respondent Mary Anne Vreeke, M.D., and, accordingly, Respondent is hereby immediately ordered to comply with all of the terms, conditions, and license restrictions contained in paragraph 10, above. Any motion to vacate this Interim Order Imposing License Restrictions shall be filed in accordance with the provisions of Title 1, California Code of Regulations, sections 1006 and 1022. However, no such motion may be heard on an *ex parte* basis and any motion to vacate this Interim Order Imposing License Restrictions shall be served on Petitioner's counsel and filed with the Office of Administrative Hearings no less than 30 business days prior to any hearing on the motion. Once served and filed, no such motion shall be decided without first affording the parties the opportunity to present oral argument.

IT IS SO ORDERED this 14 day of March, 2023.



Adam Berg (Mar 14, 2023 09:14 PDT)

ADMINISTRATIVE LAW JUDGE